

BOARD OF GAME AND INLAND FISHERIES MEETING MINUTES
4000 WEST BROAD STREET
RICHMOND, VIRGINIA
October 27, 2005, 9:00 a.m.

PRESENT: Sherry Smith Crumley, Chairman, C. Marshall Davison, William T. Greer, Jr., John W. Montgomery, Jr., Richard E. Railey, Jr., Will McNeely (left at 12:30 p.m.), C. T. Hill, Randy Kozuch, Charles S. Yates (left after the closed session), Thomas A. Stroup; **ABSENT:** Jimmy Hazel (schedule conflict); **LEGAL COUNSEL:** Roger Chaffe; **SENIOR STAFF:** Colonel W. Gerald Massengill, Mike Bise, Raymond E. Davis, Bob Duncan, Fred Leckie, Charlie Sledd, Jeff Uerz, David Whitehurst

Chairman Crumley called the meeting to order at 9:10 a.m. The Agency's mission statement was read into the meeting minutes and the Pledge of Allegiance to the Flag was recited. A quorum was present. Ms. Crumley announced that Will McNeely intends to resign from the Board effective October 28, 2005.

1. Public Comment, Non-Agenda Items: Chairman Crumley provided an opportunity for the public to address the Board. She reminded speakers that five minutes would be allowed to those representing a group. Individuals were requested to limit their remarks to three minutes.

Bruce Dungan, representing Smith Mountain Lake Association, shared concerns of the Smith Mountain Lake residents regarding safety issues on the Lake. He thanked the Board and agency staff for the interest shown to assist with the issues and for their attendance at a recently held town meeting. Following the town meeting, a Water Safety Task Force was formed and it is developing recommendations to respond to the identified problems. The Task Force and the Department will work to resolve identified concerns and improve safety for the residents and the general public.

2. Recognition of Employees and Others: Ray Davis announced that Virgil Kopf and his staff received a national award from the Center for Digital Government in the Government to Citizen, State category for developing the Department's automated license point-of-sale system. Dr. Kopf introduced the team members: Kathy Graham, Doreen Richmond, Carman Houston, Pranav Vora, Pishant Dixit and James Evins as well as Virginia.Gov staff Kirk Whiting and Chong Trieu who also assisted.

Colonel Massengill recognized Charlie Sledd who was recently elected President of the National Association of State Boating Law Administrators and commended him for his achievements.

Colonel Massengill announced that the Department has deployed 24 game wardens to the Gulf Coast to assist with Hurricane Katrina recovery efforts. A fourth unit is scheduled to leave for the Gulf Coast soon. These employees assist for 16 days per deployment. Individual's names and addresses will be made available to the Board.

3. Minutes of Meeting: The minutes of the September 22, 2005 meeting have been posted on the Department's website and were distributed to Board members with the meeting briefing materials. Chairman Crumley called for any additions or corrections to the minutes. As there were none, **Mr. Railey moved, seconded by Mr. Hill, passed unanimously in a show of hands vote, to approve the minutes as written. (Ayes: Railey, Hill, Davison, Greer, Montgomery, McNeely, Crumley, Kozuch, Yates, and Stroup)**

4. Wildlife Regulation Proposals: Chairman Crumley requested Board members to declare for the record comments they have received individually on the advertised proposals.

Mr. Railey submitted for the record a listing of the 40 individual comments he has received. Mr. Hill, Mr. Yates and Mr. Davison indicated that they had forwarded their contacts to the Department. Mr. Montgomery received five comments. Mr. Stroup, Mr. McNeely, Mr. Kozuch and Dr. Greer had not received any comments outside of the Department. Chairman Crumley received 22 individual comments.

Charlie Sledd presented an overview of the comments that have been received by the Department during the public comment period via attendance at public meeting, letters and e-mail.

Wildlife Regulations: Bob Duncan presented staff recommendations for wildlife regulations, as advertised and/or amended based on comments heard.

Deer: Amend **4 VAC 15-90-70** to (i) open all of Buchanan, Dickenson, and Wise counties to either-sex deer hunting during the early and late archery seasons except for the PALS (Public Access Lands) located in Dickenson County which would remain buck only deer hunting during all seasons (archery, muzzleloading, and firearms); (ii) remove wording related to crossbow hunting by disabled deer hunters; (iii) change from May 1 to April 1 the deadline for localities to notify the Department of their intent to participate, and (iv) provides the cities and towns within Buchanan, Dickenson and Wise counties the opportunity to participate in the urban archery season by removing them from the exception.

Amend **4 VAC 15-90-80** to (i) establish the opening date of the late muzzleloading season 18 hunting days prior to the first Saturday in January to standardize for a three-week season length in all years; (ii) remove the early muzzleloading either sex deer hunting day on public lands in Grayson County making the early muzzleloading season for Grayson County buck only; (iii) allow for full season either sex deer hunting during the early special muzzleloader season on private lands in Clarke, Frederick and Warren counties while maintaining the one either sex deer day on national forest lands in Frederick and Warren counties, (iv) allow for full season either sex deer hunting during the late muzzleloading season in Warren County while maintaining six days of either sex deer hunting on national forest lands in Warren County, and (v) allow for the use of smokeless powder during the special muzzleloading season.

Amend **4 VAC 15-90-90** to (i) remove the reference to effective dates in Section A and B since they are no longer relevant and (ii) require that at least one antlered buck meet a specified antler restriction criteria in Shenandoah County.

Add a new section **4 VAC 15-90-91** to replace 12 current separate either-sex deer regulations in the firearms section including 4 VAC 15-90-100, 4 VAC 15-90-110, 4 VAC 15-90-120, 4 VAC 15-90-121, 4 VAC 15-90-141, 4 VAC 15-90-160, 4 VAC 15-90-170, 4 VAC 15-90-190, 4 VAC 15-90-195, 4 VAC 15-90-200, 4 VAC 15-90-210 and 4 VAC 15-90-220, and includes a wording change that will make sure that the opening day of the Chesapeake, Suffolk (east) and Virginia Beach October 1 firearms deer season is not an either-sex deer hunting day.

Add a new section **4 VAC 15-90-22** to provide an extended deer firearms season in the counties of Fairfax, Loudoun, and Prince William from the Monday following the first Saturday in January to the first Saturday in February and provides further that only antlerless deer may be legal to take during this extended season.

Add a new section **4 VAC 15-90-291** to establish the height and other characteristics of an enclosed or fenced area that prevents or impedes the free egress of deer, as provided for in the Code of Virginia § 29.1-525.1, which generally prohibits the construction of enclosures to confine deer or the hunting of deer within a fenced area (61 inches or lower allowed). This proposal was modified to allow the Director to grant an exception to the 61” rule for bonafide livestock agricultural needs.

Add a new section **4 VAC 15-90-293** to create a Chronic Wasting Disease (CWD) carcass importation regulation prohibiting the importation of whole deer carcasses and specific carcass parts from CWD positive states or CWD positive Canadian provinces. Additionally, it will require those persons that import permitted deer parts to notify the Department if they are notified of a positive CWD test. Staff requested a November 1, 2005 effective date for this regulation.

Add a new section **4 VAC 15-40-285** to make it illegal to feed or attract deer from September 1 through the first Saturday in January statewide and further make it illegal upon written notification by the Department for any person to continue feeding or attracting deer during this period.

Bear: Amend **4 VAC 15-50-71** to allow for the use of smokeless powder in muzzleloaders during the muzzleloading season.

Amend **4 VAC 15-50-110** to expand the hound-hunting area during the existing two-week bear season in additional portions of Grayson, Wythe, and Carroll counties.

Amend **4 VAC 15-50-120** to (i) change the opening date of the western bear-hound training season to the last Saturday in August to the second Saturday in August, and (ii) open four counties (Brunswick, Greenville, Lunenburg, and Mecklenburg) in the southeast Piedmont to a bear hound training season from the first Monday in December and for 11 consecutive hunting days following, both dates inclusive, except bear dog training will be prohibited on Sundays in these four counties.

Small Game: Amend **4 VAC 15-120-10** to change the opening date of the grouse season from the last Monday in October to the Saturday prior to the last Monday in October, and (ii) extend the grouse hunting season to the second Saturday in February.

Amend **4 VAC 15-190-10** to change the opening date of the quail season from the second Monday in November to the Saturday prior to the second Monday in November.

Amend **4 VAC 15-200-10** to change the opening date of the rabbit season from the first Monday in November to the Saturday prior to the first Monday in November.

Add a new section **4 VAC 15-230-21** to create a gray and red squirrel season that would extend from the first Saturday in June through the third Saturday in June. The season would be open only on selected wildlife management areas.

Add a new section **4 VAC 15-230-61** to create a fox squirrel season that would extend from the first Saturday in June through the third Saturday in June. The season would be open only on selected wildlife management areas.

Rescind **4 VAC 15-230-40** that allowed a special squirrel archery season.

Turkey: Amend **4 VAC 15-240-10** to change the opening date for the general (six-week) fall turkey season from the last Monday in October to the Saturday prior to the last Monday in October. The first segment of the season would be open for 11 consecutive hunting days following the opening Saturday.

Amend **4 VAC 15-240-20** to change the opening date for the fall turkey season in certain counties and areas with a two-week fall season from the last Monday in October to the Saturday prior to the last Monday. The season would be open for 11 consecutive hunting days following the opening Saturday.

Amend **4 VAC 15-240-31** to change the opening date for the four-week fall turkey season in certain counties and areas from the last Monday in October to the Saturday prior to the last Monday in October. The early segment of this season would be open for 11 consecutive hunting days following the opening Saturday.

Furbearer: Amend **4 VAC 15-70-10** to change the season ending date for bobcat hunting from January 31 to the last day in February.

Add a new section **4 VAC 15-70-60** to establish a special archery season for bobcats.

Amend **4 VAC 15-110-20** to change the season ending date for fox hunting with guns from January 31 to the last day in February and further changes the reference to guns to firearms.

Add a new section **4 VAC 15-170-21** to open a trapping season for river otter in certain counties west of the Blue Ridge Mountains with a season limit of 2 otters per trapper and further requires

that the entire skinned carcass must be presented to an agent of the department within 3 days of capture.

Amend **4 VAC 15-210-10** to provide a continuous open season for chasing raccoon with dogs in counties and portions of counties east of Route 29 and Route 15. Currently, the raccoon chase season is open during all months except June and July.

Amend **4 VAC 15-210-20** to move the eastern boundary line of the ten-month western raccoon chase season on private lands to Route 29 and Route 15 in certain counties and to further include Fairystone Farms, G. Richard Thompson, Rapidan, and Turkeycock Wildlife Management Areas into this season.

General Regulations: Amend **4 VAC 15-40-30** to (i) add bobcats to the list of species that can be taken by the use or aid of recorded animal or bird calls or sounds, and (ii) to permit the use of electronic calls on department-owned wildlife management areas unless otherwise posted.

Amend **4 VAC 15-40-200** to increase the maximum jaw spread from 5” to 6 ½” for baited body gripping traps set above ground, provided that these traps are placed inside “dog-proof” boxes that are staked and provided further that such traps may only be used on private lands with written permission of the landowners.

Nuisance Wildlife: Amend **4 VAC 15-20-160** to add the U. S. Fish and Wildlife Service list of 125 non-native bird species as defined in the Migratory Bird Treaty Reform Act of 2005 and federally regulated under 50 CFR 10.13 to the list of bird species designated as nuisance species in Virginia. Staff recommended a December 1, 2005 effective date for this regulation.

Amend **4 VAC 15-30-40** to add the mute swan to the list of bird species that are illegal to import, possess or sell in Virginia without a permit. Staff recommended a December 1, 2005 effective date for this regulation amendment.

An opportunity was provided for Board members to discuss the proposals for clarification purposes. Staff was requested to carefully monitor the effectiveness of “dog-proof” boxes and the quality deer management initiative in Shenandoah County.

Chairman Crumley called for public comment and speakers were requested to abide by the announced time limits.

Leon Turner, Fincastle, Virginia commented on the deer feeding proposal, out of concern for disease potential. He questioned whether the regulation could be enforced, as presented, and suggested that a year-round ban would be more effective. He suggested a ban on all wildlife feeding (deer, bear and turkey), with the exception of songbirds.

Danny Thorn, Blacksburg, Virginia, representing the Virginia Bear Hunters Association, spoke in support of the bear regulation proposals. He indicated that bear hunters are working to address identified problems and thanked Department staff for its assistance. He added that bear hunters appreciate the opportunity to participate in the development of regulations.

James Massie, Madison Heights, Virginia, representing the United Eastern Virginia Coonhunters Association, supported the year-round chase season for raccoon east of Routes 29 and 15.

Este Fisher, Mt. Crawford, Virginia, representing the Virginia Bear Hunters Association, spoke in support of the bear hunting regulations, and encouraged the Board to approve them as advertised. He pledged the bear hunters support to continue to work to address problems and issues.

Kirby Burch, representing the United Eastern Virginia Hunting Dog Association, spoke in support of the extended dog training seasons. However, he indicated that he did not support the bear dog training season in the four southside Virginia counties during the open firearms deer season. He also expressed a concern for the use of above ground traps in dog-proof boxes due to the potential to harm dogs.

William Ernestes, King William, Virginia spoke in support of allowing the use of the above ground body gripping traps in dog-proof enclosures.

John Shrum, Woodstock, Virginia, representing the Shenandoah Valley Branch of Quality Deer Management (QDM) Association spoke in support of the QDM proposal for Shenandoah County. He asked the Board to amend the regulation as advertised to allow at least one extra antlerless hunting day on public lands in Shenandoah County during the rifle season, preferably on opening day. He added support for unauthorized feeding of wildlife species.

Greg Patton, Woodstock, Virginia, representing the Shenandoah Valley Branch of Quality Deer Management Association, supported a hunter choice tagging system, but suggested the proposal be amended for QDM purposes to allow for four points on one side or a 15" spread. He also supported requiring the hunter choice tag being used first, asked for more either sex hunting days on private lands in the County and an extra either sex hunting day on National Forests. Mr. Patton supported the proposed ban on deer feeding.

Martin Lowney, Moseley, Virginia, representing the U. S. Department of Agriculture's Wildlife Service, requested a revision to the advertised regulation restricting the use of above ground body gripping (Conibear) traps in excess of five inches because of its potential impact on the Services' work. Written comments were shared with members of the Board. Staff also indicated that the agency's Director has the authority to issue special permits that address Mr. Lowney's needs.

John Bellemore, Roanoke, Virginia, representing the George Washington and Jefferson National Forests, spoke in support of the proposed two-week bear dog training season. He indicated that problems continue on National Forest lands as a result of this season, and added if the problems are not addressed over the next two years, the Service may return to the Board and request that the training season on National Forests lands be rescinded.

Brian Nelson, Shenandoah, Virginia, representing the Virginia Trappers Association, spoke in support of the use of the 160 baited Conibear traps in dog-proof boxes. He indicated that tests have shown that the traps are safe when used in this manner.

Lee Allison, Sutherland, Virginia sought clarification on how the proposed deer feeding ban would impact farming practices that support wildlife. He was told that planted food plots are not included in the ban.

Chairman Crumley called for a break at 11:00 a.m. and the meeting reconvened at 11:15 a.m.

Mr. Railey moved, seconded by Mr. Hill, passed with a majority in a show of hands vote, that the Board adopt 4 VAC 15-90-293 as advertised to restrict the importation of whole deer carcasses or selected parts from CWD positive states or Canadian provinces, with an effective date of November 1, 2005. (Ayes: Railey, Hill, Greer, Montgomery, McNeely, Crumley, Kozuch, Yates, and Stroup) Mr. Davison was not in the room when this vote was recorded.

Mr. Montgomery moved, seconded by Dr. Greer, passed with a majority in a show of hands vote, that the Board adopt 4 VAC 15-20-160 and 4 VAC 15-30-40 to adopt the U. S. Fish and Wildlife Service list of 125 non-native bird species and to add the mute swan to the list of bird species that are illegal to import, possess or sell in Virginia without a permit. These regulation amendments carry an effective date of December 1, 2005.

(Ayes: Montgomery, Greer, Railey, McNeely, Crumley, Hill, Kozuch, Yates and Stroup) Mr. Davison was not in the room when this vote was recorded.

Dr. Greer moved, seconded by Mr. Hill, passed with a majority in a show of hands vote that the Board adopt the deer regulation amendments, as presented. (Ayes: Greer, Hill, Railey, Montgomery, McNeely, Crumley, Kozuch, Yates and Stroup) Mr. Davison was not in the room when this vote was recorded.

Mr. Yates moved, seconded by Mr. Stroup, passed with a majority in a show of hands vote, that the Board adopt the bear regulation amendments as presented. (Ayes: Yates, Stroup, Greer, McNeely, Crumley, Hill, Kozuch and Stroup. Nays: Railey) Mr. Davison was out of the room when this vote was recorded.

Dr. Greer moved, seconded by Mr. Stroup, passed with a majority in a show of hands vote, that the Board adopt the small game season amendments for ruffed grouse, quail, rabbits and squirrels as presented. (Ayes: Greer, Stroup, Montgomery, Railey, Hill, McNeely, Crumley, Kozuch and Yates) Mr. Davison was out of the room when this vote was recorded.

Mr. Yates moved, seconded by Mr. Hill, passed with a majority in a show of hands vote, that the Board adopt the turkey season amendments. (Ayes: Yates, Hill, Greer, Montgomery, Railey, McNeely, Crumley, Kozuch and Stroup) Mr. Davison was out of the room when this vote was recorded.

Mr. Montgomery moved, seconded by Mr. Stroup, passed with a majority in a show of hands vote, that the Board adopt the regulation amendments for furbearers as presented. (Ayes: Montgomery, Stroup, Davison, Greer, Railey, Crumley, Hill, Kozuch and Yates. Nays: McNeely)

Mr. Yates moved, seconded by Mr. Hill, passed unanimously in a show of hands vote, that the Board adopt the general regulation amendments as presented. (Ayes: Yates, Hill, Davison, Greer, Montgomery, Railey, McNeely, Crumley, Kozuch and Stroup)

Fishing Regulations: Fred Leckie presented staff recommendations, as advertised or amended based on comments heard, for changes to fisheries regulations.

Amend 4 VAC 15-320-25 to (i) remove the special bass length limits on Lake Anna, Beaverdam Creek Reservoir (Loudoun County), Chesdin Reservoir/Appomattox River, and Occoquan Reservoir, (ii) expand the “No bass 14 to 22 inches, only one bass per day longer than 22 inches” regulation to the entire James River from the confluence of the Jackson and Cowpasture Rivers (Botetourt County) downstream to the 14th Street Bridge in Richmond, (iii) expand the “No bass 14 to 20 inches, only one bass per day longer than 20 inches” regulation to the entire New River in Virginia from Fields Dam (Grayson County) downstream to the Virginia-West Virginia state line, not including Claytor Lake, (iv) extend the upper end of the “No bass less than 20 inches, only one bass per day longer than 20 inches” regulation section on the North Fork Holston River so that the river section now runs from the Route 91 Bridge upstream of Saltville, Virginia downstream to the Virginia-Tennessee state line, (v) establish a “2 per day, no striped bass less than 26 inches (October 1 - May 31) and 4 per day, no length limit (June 1 – September 30)” striped bass regulation on Buggs Island (Kerr) Reservoir, (vi) establish a “2 per day, no striped bass 26 to 36 inches (October 1 - May 31) and 2 per day, no length limit (June 1 – September 30)” striped bass regulation on Smith Mountain Lake, (vii) modify the creel and length limits for anadromous (coastal) striped bass in the Meherrin, Nottoway, Blackwater (Chowan Drainage), North Landing and Northwest Rivers and their tributaries plus Back Bay from “4 per day, no length limits” to “2 per day, no striped bass less than 18 inches”, (viii) establish a “no walleye less than 18 inches” regulation in Philpott Reservoir, (ix) establish a “1 per day, no muskellunge less than 42 inches” muskellunge regulation on New River from Fields Dam (Grayson County) downstream to the Virginia-West Virginia state line, including Claytor Lake, (x) add white catfish to the Creel and Length Limit Table along with other catfish, (xi) add an “only 1 blue catfish per day longer than 32 inches” regulation to existing catfish limits, (xii) establish an American shad and hickory shad “10 per day in the aggregate, no length limit” regulation on the Meherrin River below Emporia Dam, and the Nottoway, Blackwater, North Landing and Northwest Rivers, and their tributaries plus Back Bay, (xiii) establish an anadromous (coastal) alewife and blueback herring “no daily limits, no length limits” regulation on the Meherrin River below Emporia Dam, and the Nottoway, Blackwater, North Landing and Northwest Rivers, and their tributaries plus Back Bay, and (xiv) add references, in the Creel and Length Limit Table, to the Endangered and Threatened Species regulation and the Nonnative (Exotic) Animals regulation.

Amend 4 VAC 15-330-50 to remove Philpott Reservoir from the waters that have a special 16-inch minimum size limit on trout.

Amend **4 VAC 15-330-140** to add Cabin Creek in Grayson County, within the Grayson Highland State Park, to the “9-inch minimum size (no trout less than 9 inches), only artificial lures with single hooks” special trout regulation streams.

Amend **3 VAC 15-330-160** to expand the current 2.3-mile section to an 11.4-mile section of Chestnut Creek (Carroll County) and add a 2.7-mile section of Peak Creek (Pulaski County) to delayed harvest (catch and release from October 1 through May 31; trout may be creel from June 1 through September 30) trout streams.

Amend **4 VAC 15-340-10** to remove Northwest River (Chesapeake) and Nottoway River (Southampton County) from places where haul seines can be used to take nongame fish for sale and add the American and hickory shad harvest limit of 10 per day in the aggregate.

Amend **4 VAC 15-340-30** to remove Nottoway River (Southampton County) from the places where gill nets can be used to take non-game fish, and add the anadromous American and hickory shad harvest limit of 10 per day in the aggregate.

Amend **4 VAC 15-340-40** to add text that directs the reader to 4 VAC 15-320-25 for creel limits on shad and herring, clarifies that there is no limit on mullet, and directs the reader to the proper section for sucker limits.

Amend **4 VAC 15-360-10** to add text that directs the reader to 4 VAC 15-320-25 for creel (possession) limits on the following nongame fish: anadromous blueback herring, alewife, American shad, and hickory shad; channel, white, flathead, and blue catfish.

There was no Board member discussion on the fisheries regulations.

Chairman Crumley called for public comment.

William Ernstes, King William Virginia, representing the Virginia Catfish Association, spoke in support of the advertised catfish regulation amendments.

Lee Allison, Sutherland, Virginia, representing the Lake Chesdin Bass Club, expressed concern for a removal of the slot limit on Lake Chesdin and suggested that a 14” to 18” slot limit would improve the quality of fishing on the Lake. He asked staff to work with the club to improve the quality of fish found in Lake Chesdin.

Thomas A. Hauser, Jr., Powhatan, Virginia, representing the James River Smallmouth Club, spoke in opposition to the proposed 14-22” slot limit for smallmouth bass in the James River for its potential impact on tournament fishing clubs. He requested the Board to consider a 14-20” slot limit for this fishery. He also requested a January 1, 2006 effective date for this regulation amendment.

Bob Dickinson, Richmond, Virginia representing the Old Dominion Small Mouth Club, spoke in support of the proposed 14-22” slot limit for smallmouth bass in the James River.

Mitchell Grant, Mechanicsville, Virginia representing the Virginia Small Mouth Club, opposed the 14-22” proposed slot limit for smallmouth bass in the James River because he felt that a 22” fish does not exist in this fishery. He supported a 14-20” slot limit.

Dave Jones, Richmond, Virginia, representing the Old Dominion Small Mouth Club, spoke in support of the 14-22” proposed slot limit for smallmouth bass in the James River. He requested the Board to support the staff recommendation.

Chuck Kraft, Charlottesville, Virginia spoke in support of the proposed 14-22” slot limit for smallmouth bass in the James River. He felt that if implemented, the quality of the James River fishery would improve.

Kevin Chaplin, Richmond, Virginia spoke in support of the proposed 14-22” slot limit for smallmouth bass in the James River.

Dr. Greer moved, seconded by Mr. Hill, passed unanimously in a show of hands vote that the Board adopt the fish regulation amendments as presented, to become effective July 1, 2006. (Ayes: Greer, Hill, Davison, Railey, Montgomery, McNeely, Crumley, Kozuch, Yates and Stroup)

Wildlife Diversity Regulations: David Whitehurst presented staff recommendations for wildlife diversity regulation amendments. The proposals have been advertised statewide and discussed in public input meetings.

Add **4 VAC 15-20-210** to specifically define a new list of species as “nonindigenous aquatic nuisance species” (black carp, New Zealand mudsnail and rusty crayfish). Staff requested a January 1, 2006 effective date for this regulation.

Amend **4 VAC 15-30-40** to limit the importation, possession, and sale of several nonnative aquatic species, including those designated as nonindigenous aquatic nuisance species and to allow anglers to legally harvest snakehead fish with certain requirements (quagga mussel, New Zealand mudsnail, rusty crayfish and Australian crayfish). Staff requested a December 1, 2005 effective date for this regulation.

Amend **4 VAC 15-20-130** to update the Virginia List of Endangered and Threatened Species by adding four species to the list, to adopt current taxonomic nomenclature regarding several species, and to correct spelling errors (spider elimia, Appalachian springsnail, springsnail, and green floater).

Amend **4 VAC 15-360-10** to (i) limit the size of salamanders used as fish bait to under six inches in length each; (ii) rescind provisions that allow collection and possession for personal use of up to five individuals each for the eastern hellbender, diamondback terrapin, and spotted turtle, and up to 20 individuals of candy darter, thereby prohibiting the collection and possession of these species without a scientific collection or exhibitor’s permit issued by the Department, (iii) limit the sale of crayfish as bait, and (iv) add the Nottoway River to the areas in which the collection of freshwater mussels is prohibited without a permit.

Amend **4 VAC 15-360-30** and add **4 VAC 15-360-70** to remove the provision for the taking of crayfish for sale, and to prohibit the sale of crayfish as bait or for personal use (except consumption).

After discussion by Board members on the wildlife diversity regulation amendments, Chairman Crumley called for public comments and there were none.

Dr. Greer moved, seconded by Mr. Davison, passed with a majority in a show of hands vote, that the Board adopt the wildlife diversity regulation amendments as presented. (Ayes: Greer, Davison, Railey, McNeely, Crumley, Hill, Kozuch, Yates and Stroup) Mr. Montgomery was not in the room when this vote was recorded.

Boating Regulations: Charlie Sledd presented staff recommendations for final amendments for boating regulations. These proposals were advertised statewide for public comment and were discussed in the public input meetings.

Amend 4 VAC 15-430-60 to require that a U. S. Coast Guard approved life jacket must be used in accordance with any requirements or restrictions on the approval label.

Amend 4 VAC 15-430-160 to require all hand-portable fire extinguishers, semiportable fire extinguishing systems, and fixed fire extinguishing systems for use aboard vessels, required to be of a type approved by the U. S. Coast Guard, to have an efficient charge, and be in good and serviceable condition.

Amend 4 VAC 15-380-70 and add 4 VAC 15-380-71 to allow the owner of a federally documented vessel otherwise exempt from Virginia motorboat numbering requirements to nonetheless apply for the issuance of motorboat registration decals, pay the same fees as prescribed in 4 VAC 15-380-120, and receive non-transferable decals which may be affixed to a window or windshield on the sides of the vessel. This is a voluntary requirement for documented vessel owners.

Chairman Crumley called for public input.

Ed Rhodes, Richmond, Virginia expressed a concern for the proposed requirement that a fire extinguisher must be in good and serviceable condition. Mr. Rhodes indicated he had discussed this concern with Mr. Sledd prior to the presentation of staff recommendations. As a result, Mr. Sledd recommended to the Board that it amend the proposal to add language to make reference to 4 VAC 15-430-170 pertaining to the maintenance of a fire extinguisher.

Mr. Hill moved, seconded by Mr. Davison, passed with a majority in a show of hands vote, that the Board adopt the boating regulations as presented with additional language of “as referenced in 4 VAC 15-430-170” added to 4 VAC 15-430-160 and that the amendments become effective March 1, 2006. (Ayes: Hill, Davison, Greer, Railey, McNeely, Crumley, Kozuch, Yates and Stroup) Mr. Montgomery was not in the room when this vote was recorded.

Mr. McNeely was recognized. He indicated that it has been his pleasure to serve on the Board. He commended former Director William L. Woodfin, Jr. for his many accomplishments. He also recognized Colonel Massengill for the outstanding job that he is doing. He indicated that because of the time commitment required and his need for more time for his family and business, he felt that it was appropriate to resign. Mr. McNeely's resignation had an effective date of October 28, 2005.

Prior to recessing for lunch at 12:35 p.m., **Dr. Greer moved, seconded by Mr. McNeely, passed with a majority in a show of hands vote, that the Board go into closed session pursuant to § 2.2-3711 A.3 of the Code of Virginia for discussion or consideration of the acquisition of real property for a public purpose or for the disposition of publicly held real property with respect to a status report on previously approved property acquisitions in the City of Chesapeake, and the County of Wise and the County of Louisa; a status report on possible property acquisitions in Northern Virginia and Southwest Virginia; and a discussion for possible partnerships for other property matters, and further, pursuant to §2.2-3711 A.1 of the Code of Virginia for discussion or consideration of employment, assignment, appointment, promotion, performance, demotion, salaries, disciplining or the resignation of specific public officers, appointees or employees of the Department of Game and Inland Fisheries specifically regarding the performance of the interim director, and further, pursuant to § 2.2-3711.A.7 of the Code of Virginia for consultation with legal counsel regarding a specific legal matter in the County of Frederick requiring the provision of legal advice by such counsel. (Ayes: Greer, McNeely, Davison, Railey, Crumley, Hill, Kozuch, Yates and Stroup) Mr. Montgomery was not in the room when this vote was recorded.**

In open session at 2:00 p.m., **Dr. Greer certified, seconded by Mr. Davison, passed unanimously, in a show of hands vote, that whereas the Board of Game and Inland Fisheries had convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act, and whereas § 2.2-3712.D of the Code requires a certification by this Board that such closed meeting was conducted in conformity with Virginia law, now, therefore, be it resolved that the Board of Game and Inland Fisheries hereby certifies that (i) to the best of each member's knowledge, only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applied, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board. (Ayes: Greer, Davison, Montgomery, Railey, Crumley, Hill, Kozuch and Stroup).**

5. Committee Reports: Audit Committee: Mr. Montgomery reported that the Audit (Small Purchase Card Committee) met Thursday, October 13, 2005 to review agency purchases to insure compliance with issued guidelines. He also indicted that individual card holders' spending limits were reviewed by management prior to the Commonwealth converting from the American Express to MasterCard. Spending limits have been adjusted accordingly. Additionally, one card holder's privileges have been revoked and one card holder's privileges have been suspended for 30 days.

Governance Committee: Mr. Davison presented the Governance Committee's report on its meeting that was conducted October 18, 2005. A draft Governance Manual was reviewed during that session, and edits are underway. A second review will be performed in early November, and the Committee plans to present a draft document to the full Board for review during its November 29, 2005 meeting.

Policy Committee: There was no Policy Committee report submitted.

Search Committee: Mr. Montgomery reported that the job vacancy announcement for the Director's position has closed. Over 30 applications were received. The applications will be shared with the Committee members for review. A screening criteria has also been developed. Upon adjournment of this Board meeting, the Search Committee planned to convene a closed session meeting to begin its review of the applications received.

6. Financial Report: Ray Davis presented the first quarter financial report on revenue received and expenditures through September 30, 2005. He indicated that boat registration and fish license sales revenue are down slightly. Hunting license sales revenue is up slightly which may be attributable to automation which results in the Department collecting license revenue sooner.

Mr. Davis indicated that capital expenditures are up, which he attributed to the acquisition of Featherfin Farms. Operational expenditures are also higher than previous years due to the agency's increased employee level and the increased costs for salaries and benefits. Equipment costs are also higher than previous years, which he attributed to encumbrances (items ordered during the last fiscal year are now being received and payments are being made). Fuel consumption costs are also higher than previous years, but do not currently pose a budgetary threat. They will be closely monitored.

8. Chairman's Remarks: The Chairman did not present any additional topics for consideration.

9. Director's Report: Colonel Massengill presented a CWD briefing update. West Virginia and Virginia continue surveillance work. Tissue samples have been collected from road kill and archery harvested deer in the target area since mid October. All preliminary test results have been negative. The Department plans to collect and test over 500 deer in the target area in the upcoming months.

Colonel Massengill reported that the Department continues to work to eradicate the zebra mussel from Millbrook Quarry in Prince William County. A public meeting was conducted recently in Fairfax County to gather comments on the eradication plan for the Quarry. The Environmental Assessment has been released for public comment. Once the preliminary work is complete, the Department will begin its eradication efforts by mid November.

Colonel Massengill reported that he and Gary Martel recently visited the King and Queen Fish Hatchery. The work that has been accomplished is impressive. He felt that it would be appropriate for the Board to hold a meeting at the site in the spring.

Colonel Massengill reported that the acquisition of Featherfin Farm has been completed. The Department plans to hold quota hunts on this wildlife management area during the upcoming hunting season.

Colonel Massengill reported that the Crime Commission will be conducting a review of state Code with respect to supervisory boards, and the Commission has offered to assist this Board with any Code revisions it feels are needed regarding its authority and duties. He asked and the Board concurred that he and Board member Jimmy Hazel should continue to pursue this opportunity with the Crime Commission.

Adjournment: The next meeting of the Board is scheduled for November 29, 2005, beginning at 9:00 a.m.

As there was no further business, **Mr. Railey moved adjournment, seconded by Dr. Greer, passed unanimously in a show of hands vote. (Ayes: Railey, Greer, Davison, Crumley, Montgomery, Hill, Kozuch and Yates.**

Respectfully submitted,

Belle Harding
Board Secretary